

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 2164 of 2017

Bibhunandan Keshari Nayak

.....

Petitioner

Mr. S. Behera, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. S. Jena, SC, S & M.E Deptt.

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

05.09.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. S. Behera, learned Counsel for the Petitioner and Mr. S. Jena, learned Standing Counsel for S&ME Department.

3. The Petitioner has filed this Writ Petition seeking direction to the opposite parties to allow him to discharge his duty and also to regularize his service by granting him the salary of a trained teacher.

4. Mr. S. Behera, learned Counsel for the Petitioner contended that the Petitioner while working as Assistant Teacher in Khomapole in the year 2010 after his reinstatement, he was transferred to Majabali Upper Primary School where he continued till 2014. But after 2011 his salary was not paid, even though he had worked till 2014. Therefore, he has approached this Court in the present writ petition.

5. Mr. S. Jena, learned Standing Counsel for S&ME Department contended that the factually the petitioner has not placed the materials properly, inasmuch as, after transfer the petitioner has never joined in the place of posting, therefore, he faced a

Departmental Proceeding. He has also been visited with a Vigilance Proceeding for misappropriation of Government money. Both the proceedings are still pending. In view of such position, the relief sought by the Petitioner cannot be granted.

6. Having heard learned counsel for the parties and after going through the records, it appears that the transfer of the Petitioner was punitive one for misappropriation of Government money and he has not carried out the order of transfer. Therefore, Vigilance Proceeding is pending against him for misappropriation of Government money and Departmental Proceeding has been initiated against him for non compliance of the direction issued by the authority concerned.

7. In that view of the matter, this court is not inclined entertain the writ petition, which is accordingly dismissed.

Arun

(DR. B.R. SARANGI, J.)

